



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 1805

Examiner: Ms. Sharon L. Nolan

In re PATENT APPLICATION of:

Applicant : Richard Harris WILSON et al

Appln. No. : 07/852,390

Filed : March 16th, 1992

For : RECOMBINANT DNA SEQUENCES,
VECTORS CONTAINING THEM AND
METHOD FOR THE USE THEREOF

Atty. Dkt. : CARPR 0022C2

PETITION UNDER
37 CFR §1.181(a)(3)

July 29th, 1992
RECEIVED

JUL 31 1992

FEE enclosed: \$ NONE
Please charge any further
fee to Dep.Acct. 19-3700

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

GROUP 1800

Pursuant to 37 CFR §1.181(a)(3) Applicants respectfully invoke the supervisory authority of the Commissioner to issue a corrected Filing Receipt. Pursuant to 37 CFR §1.181(c), Applicants requested a corrected Filing Receipt on April 21st, 1992. In response a Letter dated June 17th, 1992, was received (copy attached). The attached Letter states:

Prior to issuance of the Official Filing Receipt, Amendments regarding cancelling claims are considered only if they reduce the filing fee.

. . .

Other: When Rule 1.62 transmittal does not state number of claims, Applications Branch uses the number of claims (prior to amendment) from parent application.

The above-identified application was not filed under the provisions of Rule 1.62. As the Commissioner is aware, the Application was filed under the provisions of 37 CFR §1.60 in order to permit parent application No. 07/595,733 to issue as U.S. Patent 5,122,464. In accordance with Rule 1.60 a true copy of the original application as filed was submitted including 38 claims, several of which were multiply dependent. The Preliminary Amendment cancelled these 38 claims, and substituted a total of 22 claims, including 6 independent claims. The Preliminary Amendment therefore cancelled claims to reduce the filing fee and should have been entered in accordance with the first paragraph of the attached Letter dated June 17th, 1992.

Applicants therefore respectfully request the Commissioner to issue a corrected Filing Receipt acknowledging that the above-identified continuation application was filed with a total of 22 claims, including 6 independent claims.

Respectfully submitted,



John W. Schneller
(Registration No. 26,031)
SPENCER, FRANK & SCHNEIDER
1111 19th Street, N.W.
Washington, D.C. 20036
Telephone: (202) 828-8000
Telefacsimile: (202) 828-8038

JWS:rlm



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Date : 6/17/92

Application Number : 07-852390

Dear Applicant or Attorney of Record:

In response to your request for a corrected filing receipt, we are unable to comply with your request because:

- Prior to issuance of the official filing receipt, amendments regarding cancelling claims are considered only if they reduce the filing fee. Amendments adding claims are never considered at this point of processing. The preliminary amendment will be entered prior to the patent examiner's first office action. No correction to the filing receipt is warranted.
- The total number of claims appearing on the Official Filing Receipt does not include multiple claims. The total fee appearing on the Official Filing Receipt includes the cost of multiple claims that are present at the time the application is filed.
- Total claims in excess of twenty (20) and independent claims in excess of three (3) are picked up as 1 and 1 in Rule 1.62 applications when the transmittal does not state the amount of claims.
- The filing receipt reflects the number of claims cited on the transmittal letter or other application papers.
- Other: When Rule 1.62 transmittal does not state number of claims, Applications Branch uses the number of claims (prior to amendment) from parent application.

James A. Sullivan
Corps Correction Examiner
Application Processing Division
(703) 308-3640